

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 15-cr-20382

v.

HON. VICTORIA A. ROBERTS

D-1 PAUL NICOLETTI,

Defendant.

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***MOTION AND SUPPORTING
MEMORANDUM TO STRIKE PRO SE MOTIONS***

The United States, through counsel, respectfully moves this Court to strike D-1 PAUL NICOLETTI's [NICOLETTI] *pro se* filings: Doc. #80: Defendant's Motion to Dismiss Based Upon Prosecutorial Misconduct and Grand Jury Abuse; Doc. #81: Defendant's Brief in Support of Motion to Dismiss; and Doc. #82: Defendant's Motion to Modify Order Setting Conditions of Release.

This Court set the tenth (and last) motion cut-off date for February 20, 2018. (Doc. # 74:Order).¹ The motions which are the subject of this Motion to Strike are therefore out of time. NICOLETTI

¹ Earlier Cut-Off Dates were: 10/9/15 (Doc. #10), 4/12/16 (Doc. #15), 6/6/16 (Doc. #20), 7/20/16 (Doc. #23), 7/22/16 (Doc. #24), 8/5/16 (Doc. #25), 11/27/17 (Doc. #70), 12/11/17 (Doc. #71), and 12/13/17 (Doc. #72).

has, at all times since his arraignment on the indictment, been represented by competent counsel of record, and the government has stipulated to reschedule the motion cut-off date to accommodate the defense on each of those ten prior occasions. All of NICOLETTI's motions should therefore have been filed on or before February 20, 2018.

Additionally, NICOLETTI still has competent counsel of record who has represented him in this case since May 10, 2017. Although he has recently filed a Motion to Withdrawal, it is inappropriate for any defendant to file motions *pro se* when s/he continues to be represented by counsel.

For all of these reasons, NICOLETTI's motions, filed June 22, 2018, or four months past the motion cut-off date, should not be considered by the Court, and should be stricken from the record.

Respectfully submitted,

MATTHEW SCHNEIDER
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Dated: June 25, 2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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PROOF OF SERVICE

Craig A. Weier, on June 25, 2018, filed the foregoing *Motion And Supporting Memorandum To Strike Pro Se Motions* using the Court's Electronic Court Filing System, which automatically provides notice and a copy of this pleading to counsel of record, Michael J. Harrison.

Respectfully submitted,

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Dated: June 25, 2018